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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,219	11/09/1999	AKIRA NAGAE	104721	6312

25944 7590 04/25/2002

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/436,219

Applicant(s)

NAGAE ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to provide support for the limitation of the first parameter quantity exceeding a threshold value predetermined therefore "so as to counteract a further increase of the rolling amount by the deceleration of the vehicle" as claimed lines 9-10 of amended claim 1.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 1. The phrase "the target value of the deceleration" in line 3 from the

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bottom of the claim is indefinite. It is unclear to the Examiner whether Applicant intends for the entire phrase "the target value of the deceleration" to represent the "target deceleration" initially claimed in line 5 from the bottom of claim 1 or if the phrase is intended to read as --the target value of the *target* deceleration-- since the term "deceleration" was initially preceded by "target" in its first instance in line 5 from the bottom of claim 1. Clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halasz et al. in view of Harada et al. (JP 10-278762) (corresponding to U.S. Harada et al. 6081761 throughout the office action for column and line numbers). Halasz et al. disclose a control device capable of being used for controlling an over-rolling of a vehicle having a vehicle body, wheels, a steering system, and a brake system, the device comprising: a means for providing a first parameter quantity indicative of a rolling amount of the vehicle body or roll angle (y-axis) as disclosed in col. 6 lines 12-13, 15, 16, a means for providing a second parameter quantity of a change rate (a second change rate or acceleration (y-axis)) of the rolling amount of the vehicle body as disclosed in col. 6 lines 39-41, and a means for controlling or generating a control signal (actuation

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of one vehicular safety device) when the first parameter quantity exceeds a threshold value as disclosed in col. 7 lines 18-19, the control being increased (activation of another vehicular safety device) according to an increase of the second parameter quantity or acceleration (y-axis) as disclosed in col. 7 lines 36-46, but does not disclose that the control means is target deceleration and that the vehicular safety device is a vehicle braking system used specifically for controlling vehicle over-rolling. Harada et al. teach in the last for lines of the abstract the use of a brake controlling device utilizing target deceleration control to prevent over-rolling of a vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the control means and vehicle safety devices associated with the first and second parameters of Halasz et al. to have included the prevention of over-rolling of a vehicle, as taught by Harada et al., in order to provide a means of improving overall vehicle stability. Halasz et al., as modified, teach the limitation of actuating the brake system to accomplish a target deceleration when the first parameter exceeds a threshold therefore so as to counteract a further increase of the rolling amount by the deceleration of the vehicle to the same extent as Applicant.

Re: claim 2. Halasz et al., as modified, teach a means for providing a first parameter quantity of a change rate of a rolling amount of a vehicle body or lateral acceleration. See Harada et al. col. 13 lines 48-51.

8. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent to Halasz et al. and Harada et al. as applied to claim 1, and further in view of Ikemoto et al. Ikemoto et al. teach in col. 3 line 28 the use of the rate of change

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of the steering angle in the control of vehicle over-roll. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the second parameter quantity indicative of a change rate of the variable amount of the vehicle body of Halasz et al., as modified, to have included a rate of change of the steering angle, as taught by Ikemoto et al., in order to provide an alternate parameter for triggering the necessary target deceleration control.

Allowable Subject Matter

9. Claims 3, 5, and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 2, and 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6192305 to Schiffman teaches the use of vehicle rollover control utilizing estimated roll angle, roll rate, and lateral acceleration.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 4/22/02
mmb
April 22, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
4/22/02